

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 9:23-00833-RMG
)	
v.)	
)	
PETER J. STRAUSS)	

GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO STAY
SENTENCING HEARING

On November 6, 2023, the Defendant Peter J. Strauss plead guilty to transferring funds subject to lawful seizure before this Court. ECF No. 16. Following the guilty plea, the Defendant moved to recuse the Court in advance of sentencing. ECF No. 26. This Court entered a thorough order declining to recuse itself on December 12, 2023. ECF No. 32.

Thereafter, on December 27, 2023, the Defendant filed a petition for mandamus with the Fourth Circuit Court of Appeals, seeking to vacate this Court’s denial of his request for recusal. The Fourth Circuit never ordered the government to respond, and the mandamus petition remains pending.

The Government, for the reasons set forth in this Court’s order declining to recuse itself, does not believe that the Defendant is likely to succeed on the merits of its mandamus petition. Therefore, the Defendant cannot establish that a stay should be granted under the standard set forth in his motion. However, the Government does not object the Defendant’s request. While the Government and public have an interest in the expeditious resolution of this case, a stay may be appropriate to allow the Fourth Circuit an opportunity to rule of the Defendant’s mandamus petition.

The Defendant's sentencing is currently scheduled for March 29, 2024. As a practical matter, the Fourth Circuit may rule on his mandamus petition in advance of the sentencing hearing, mooted the present request to stay the proceedings. The Government recommends that the Court decline to rule on the Defendant's request until the week of the sentencing, thereby giving the Fourth Circuit an opportunity to rule on the petition, before further delaying the proceedings.

Respectfully submitted,

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